



PUBLIC NOTICE

Federal Communications Commission
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APR 12 2007

DA 07-1687
Released: April 10, 2007

APPLICATION FOR DOMESTIC SECTION 214 TRANSFER OF CONTROL OF FLORIDA DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS AND SOUTHERN DIGITAL NETWORK, INC. D/B/A FDN COMMUNICATIONS FROM FDN HOLDINGS, LLC TO NUVOX, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 07-58

Comments Due: April 24, 2007

Reply Comments Due: May 1, 2007

The following application was filed pursuant to section 63.03 of the Commission's rules requesting authority to transfer control of the domestic 214 authorization held by Florida Digital Network, Inc. d/b/a FDN Communications ("FDN") and Southern Digital Network, Inc. d/b/a FDN Communications ("SDN") from FDN Holdings, LLC ("Holdings") to **NuVox**, Inc. ("NuVox").¹ FDN, a Delaware corporation, provides telecommunications services in Florida SDN, a Delaware corporation, is a wholly-owned subsidiary of FDN that provides telecommunications services in 8 Southeastern states. FDN is a wholly-owned subsidiary of Holdings, a Delaware limited liability company that does not provide telecommunications services. **NuVox**, a privately-held Delaware corporation, provides telecommunications services in 16 Midwestern and Southeastern states through its operating subsidiaries. After the transaction is completed, all entities or persons that directly or indirectly own or control 10 percent or greater of the Applicants will be U.S. entities or U.S. citizens.² The Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section

¹ 47 C.F.R. § 63.04; see 47 U.S.C. § 214. Applicants are also filing an application for transfer of control associated with authorization for international services. Any action on this domestic 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed two amendments to their application on April 6, 2007 and April 9, 2007.

² Before the sale of Holdings to **NuVox**, Columbia Capital Equity Partners (Cayman) III, Ltd. and Columbia Capital Equity Partners III (Cayman), L.P., both Cayman Islands companies, owned or controlled 10 percent or more of Holdings through their control of Columbia Capital III, LLC. After the transfer of control is completed, Columbia Capital III, LLC's ownership or control will be less than 10 percent of the merged company.

63.03(b)(2)(i) of the Commission's rules³ and that a grant of the application will serve the public interest, convenience, and necessity.

Application for Consent to Transfer Control of Companies Holding Blanket Domestic Authorization from FDN Holdings, LLC, Florida Digital Network, Inc. d/b/a FDN Communications to NuVox, Inc., WC Docket No. 07-58 (filed Mar. 27, 2007).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's **rules** and policies. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file **comments on or before April 24, 2007** and **reply comments on or before May 1, 2007**.⁴

Unless otherwise notified by the Commission, Applicants are permitted to transfer the assets and related control on the 31st day after the date of this notice.⁵ Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this

³ 47 C.F.R. § 63.03(b)(2)(i)

⁴ See 47 C.F.R. § 63.03(a)

⁵ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpiweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; email: tracey.wilson-parker@fcc.gov;
- (3) Gail Cohen, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C111, Washington, D.C. 20554; e-mail: gail.cohen@fcc.gov;

(4) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and

(5) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: jim.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals 11, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.hcDiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Gail Cohen at (202) 418-0939.

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